

Atty. Dkt. No. K01-004
(formerly 0006.US00)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 19 and 37 are being amended.

Claim 46 is requested to be canceled without prejudice or disclaimer.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-45 are now pending in this application.

Claims 1 and 19 have been amended to more clearly recite the invention.

Applicant appreciates the courtesy extended by the Examiner during the interview conducted on April 11, 2006. A Statement of Substance of Interview is submitted herewith.

Rejections under 35 U.S.C. § 101

In the Office Action, Claim 46 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 46 has been canceled without prejudice or disclaimer. Accordingly, the rejection under 35 U.S.C. § 101 is moot.

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Rejections under 35 U.S.C. § 112

Claims 1-46 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended claims 1, 19 and 37 to more clearly recite the invention. This rejection should now be withdrawn

Rejections under 35 U.S.C. § 103

Claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0116290 to Hodges (hereinafter "Hodges") in view of U.S. Patent No. 6,442,693 to Sandgren et al. (hereinafter "Sandgren"). Since claim 46 has been canceled, this rejection is moot.

Claims 1-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over alleged AAPA in view of U.S. Patent Publication No. 2002/0178079 to Russell et al. (hereinafter "Russell") and further in view of Hodges and Sandgren.

Independent claim 1 recites "asking one or more questions ... regarding the preferences and dislikes of participants." Independent claims 19 and 37 recite similar features. As acknowledged by the Examiner during the earlier Interview of June 21, 2005, and the subsequent telephonic discussion of July 18, 2005, Russell fails to teach or suggest at least this feature of the present invention. Further, in the Interview Summary of the Interview of April 11, 2006, the Examiner acknowledges that "Hodges does not appear to teach the step of 'asking one or more questions, on the web pages, regarding preferences and dislikes of participants (or donors)' as shown in claims 1 and 37." As noted above, claim 19 recites a similar feature. Sandgren was cited for disclosure of secure online communications and also fails to teach or suggest the above-noted feature of the present invention. The alleged AAPA also fails to teach or suggest this feature. Accordingly, claims 1, 19 and 37 are patentable.

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Further, as Applicants have argued in earlier communications, Applicants strongly believe that the Examiner has mischaracterized the Background of the Invention section of the present application. The Background of the Invention section does not disclose "a method and means for communication and relationship management," as the Examiner suggests. The Background of the Invention section merely outlines the various problems associated with efficient communication between the patient, friends, family and loved ones when a patient is hospitalized. The Background of the Invention section illustrates the recognition of the problem by the Inventors and does not disclose any existing solution to the recognized problem.

Thus, as noted above, independent claims 1, 19 and 37 are patentable. Claims 2-18 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as additional patentable features when those claims are considered as a whole. Similarly, claims 20-36 depend from allowable claim 19, and claims 38-45 depend from allowable claim 37. Therefore, claims 20-36 and 38-45 are patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-1674. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1674. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-1674.

Respectfully submitted,

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